



Bay Area Clean Water Agencies

Leading the Way to Protect Our Bay
A Joint Powers Public Agency

P.O. Box 24055, MS 702
Oakland, California 94623

January 25, 2005

ITEM 4

February 2, 2005 Workshop/Board Meeting

Hrd cys: Board, DL, DWQ

E-mail to: Bd, CC, KS, HMS, TH, etc.

Via U.S. and Electronic Mail

Arthur G. Baggett, Jr., Chair and Members
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

ATTN: Debbie Irvin, Clerk to the Board
dirvin@waterboards.ca.gov

Dear Chairman Baggett and Members:

**Subject: Comments on the Draft FED dated December 2004 for Proposed Revisions to the
Statewide Implementation Policy for Toxics - SWRCB Public Hearing
February 2, 2005, Agenda Item No. 4**

The Bay Area Clean Water Agencies (BACWA) offer the following comments regarding the draft Functional Equivalent Document (FED) for the proposed revisions to the Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (SIP) currently being developed by the SWRCB. We previously submitted comments on the scope of the FED on November 12, 2004, which are incorporated herein by reference. BACWA has previously supported revisions to the SIP that would allow (a) Water Effects Ratios (WER) to be established through permitting actions, and (b) eliminate entirely the reasonable potential trigger based on ambient background concentrations exceeding a water quality objective (WQO). We offer the following specific comments regarding Revisions to Section 1.2 and 1.3 of the SIP for your consideration.

Revisions to Section 1.2

We recommend adding to the end of the second paragraph in Section 1.1 a statement to capture the fact that WERs are already pre-authorized by the CTR. Specifically add "The CTR allows the use of WERs to adjust the criteria arsenic, cadmium, chromium(III), chromium(VI), copper, lead, nickel, silver and zinc per 40 CFR Part 131.38 (b)(1) footnote "i".

We also recommend adding to the end of the first (new) sentence in Section 1.2 the clause from the issue description (... "or other scientifically defensible methods adopted by the state") to allow for the use of other scientifically defensible methods like the biotic ligand model (BLM) or streamlined WERs, where appropriate, in addition to conventional WERs.